

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION**

SHARN GREEN, a/k/a Shawn Green,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 1:10-0068
)	Judge Trauger
CCA/SOUTH CENTRAL CORRECTIONAL)	Magistrate Judge Knowles
FACILITY, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

On November 22, 2010, the Magistrate Judge issued a Report and Recommendation (Docket No. 36), to which the *pro se* plaintiff has filed objections (Docket No. 51). Because this was a ruling on a dispositive matter, pursuant to Rule 72(b), FED. R. CIV. P., and 28 U.S.C. § 636(b)(1)(C), this court must review *de novo* any portion of the Report and Recommendation to which a specific objection is made. *United States v. Curtis*, 237 F.3d 598, 603 (6th Cir. 2001); *Massey v. City of Ferndale*, 7 F.3d 506, 510 (6th Cir. 1993).

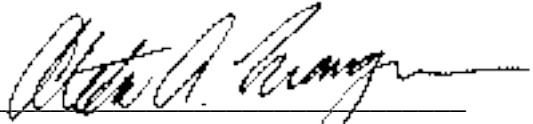
The plaintiff seems to be of the mistaken belief that dismissing the Tennessee Department of Correction as a defendant in this case also dismisses the commissioner of that department, Gayle Ray, as a defendant. That is not true. Commissioner Ray remains a party defendant in this case.

The Magistrate Judge's conclusion that the Tennessee Department of Correction is not a proper party to this action brought pursuant to 42 U.S.C. § 1983 is correct and will not be set aside. For the reasons expressed herein, the plaintiff's objections are **OVERRULED**. The Report and Recommendation (Docket No. 36) is **ACCEPTED** and made the findings of fact and

conclusions of law of this court. For the reasons expressed therein and herein, it is hereby **ORDERED** that the Tennessee Department of Correction is **DISMISSED** as a party defendant in this case.

It is so **ORDERED**.

ENTER this 8th day of December 2010.



ALETA A. TRAUGER
U.S. District Judge